IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.635 OF 2006

IN

COMPANY PETITION NO.395 OF 1994

Pyarelal Matabhik .. Applicant.

Versus

The Official Liquidator

M/s.Shree Shakti Mills

Ltd. (In Liqn.) .. Respondent.

None for the applicant.

Mrs.K.V.Gautam Dy.O.L. present.

CORAM : Dr.D.Y.CHANDRACHUD, J.

17TH APRIL, 2007.

P.C.:

1. The applicant seeks a direction to the Official Liquidator to pay his claim together with interest @18% p.a. as a worker in the employment of the company in liquidation. On 14th September, 2006, Hon'ble Mr.Justice R.S.Mohite passed the following order : -

> "The Official Liquidator states that the Directors of the company have raised a dispute about the claim of the workers and that she is filing report seeking appointment of the Chartered Accountant in order to go into the question of the claim, if any, of the workers. The present application is made by a worker. I am informed that there are 475 workers. S.O. for three weeks to enable the Official Liquidator to file his report. The Official Liquidator makes a statement that when the report is finalized a copy of the same will be furnished to all the persons who are entitled to such report."

2. Thereafter, on 28th September, 2006, the following directions were issued by the learned Judge.

> "It is further directed that after submission of Chartered Accountant's report, the Official Liquidator will prepare his report and place the same before this Court within two weeks

thereafter for further directions."

3. The Official Liquidator has stated that the report of the Chartered Accountant is awaited and that upon the receipt of the report, the Official Liquidator shall prepare his own report and submit it before the Court for directions. In the circumstances, it would be appropriate to dispose of this application with the following directions : -

a) The Official Liquidator is directed to follow up with M/s.S.V.Godbole, Chartered Accountants on the panel of the Official Liquidator, who have been appointed to submit a report in pursuance of the order dated 28th September, 2006. Every endeavour should be made to ensure that the report is received on or before 31st May, 2007.

b) The Official Liquidator shall thereafter, place his own report in regard to adjudication of the workers' claim for the consideration of the Court on or before 18th June, 2007. The Liquidator's

report shall be placed for directions on 21st June, 2007.

4. The Company Application is accordingly disposed of with liberty to the applicant to intervene in the proceedings arising out of the report of the Liquidator or in such further proceedings as the applicant may be advised to adopt. The Liquidator is directed to furnish a copy of the Chartered Accountant’s report together with the report of the Official Liquidator to the Advocate appearing on behalf of the applicant with an advance intimation of the date on which the report shall be taken up for direction. The Company Application is accordingly disposed of.